

REMARKS

This Amendment is made in response to the final Office Action dated September 11, 2007. Claims 1-33 were pending in this application. By this Amendment, claims 1, 2, 4, 8, 14 and 17 have been amended to better define the presently claimed invention. Claim 7 has been amended to correct a typo. Claim 33 has been canceled without prejudice. New claim 42 is being presented for consideration. Favorable reconsideration is respectfully requested.

Claims 34-41 were withdrawn from consideration by the Examiner as being directed to a non-elected invention. In view of the filing of the RCE with this Amendment, Applicants believe that claims 34-41 should now be prosecuted on the merits. Favorable consideration of these method claims is sought.

Claims 1, 3, 6 and 7 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,609,627 to Goicoechea (the "Goicoechea patent"). Claims 2, 4, 6, 7, 32 and 33 were rejected under 35 U.S.C. § 102(b) as being anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as being obvious over the Goicoechea patent. Applicants strongly disagree with the Examiner's position that the Goicoechea patent discloses a marker having a V-shaped mounting region. Applicants note that the Goicoechea patent discloses a marker made from a gold or platinum wire 17 which is wrapped and crimped around the end of the stent 16 (Column 10, lines 52-56). This particular wire 17 does not have a substantially V-shaped mounting region as recited in claim 1. However, in order to expedite the present case, Applicants have amended claim 1 to include the recitation that the projecting fingers applying a force on the V-shaped mounting region which holds the radiopaque marker on the marker holder. The marker holder disclosed in the Goicoechea patent does not apply or exert a force on the wire 17. Accordingly, the particular structure defined by claims 1, 2, 3, 4, 6, 7, 32 and 33 is not disclosed in the Goicoechea patent. Applicants

respectfully request the Examiner to withdraw the rejections of these claims based on the Goicoechea patent.

Claims 8-15, 17, 18 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Goicoechea patent in view of U. S. Patent No. 6,503,271 to Duerig et al. (the "Duerig patent"). Claim 8 has been amended to include the recitation that the projecting fingers applying a force on the V-shaped mounting region to hold the radiopaque marker on the marker holder. Applicants again note that the Goicoechea patent fails to disclose such a structure. Accordingly, the particular structure defined by claims 8-15, 17, 18 and 21 is not disclosed in the Goicoechea patent. The Duerig patent fails to disclose such a structure as well. Therefore, the combination of the Goicoechea patent and the Duerig patent fails to achieve the structure recited in claims 8-15, 17, 18 and 21. Applicants again respectfully request the Examiner to withdraw the rejections of these claims based on the combination of the Goicoechea patent and Duerig patent.

Claims 1-4, 6, 7, 32 and 33 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,741,327 to Frantzen (the "Frantzen patent"). Applicants note that the marker in the Frantzen patent relies on a knob 94 which is adapted to fit within a rounded space 62. The knob 94 has a width similar to the width of the rounded space 62 (See column 9, lines 37-38 of the Frantzen patent). As discussed above, Applicants have amended claim 1 to include the recitation that the projecting fingers applying a force on the V-shaped mounting region which holds the radiopaque marker on the marker holder. Since the knob 94 is the same width as the space 62 in the Frantzen patent, the "fingers" forming the space 62 fails to achieve a force on the knob 94 to hold it in place. Rather, the knob 94 is melted and allowed to resolidify within the space 62 in order to lock it in place (See column 9, lines 55-60 of the Frantzen patent). Accordingly, the particular structure defined by claims 1-4, 6, 7, 32 and 33 is not

disclosed in the Frantzen patent. Applicants respectfully request the Examiner to withdraw the rejections of these claims based on the Frantzen patent.

Claims 8-15, 17, 18 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Frantzen patent in view of the Duerig patent. Again, claim 8 has been amended to include the recitation that the projecting fingers applying a force on the V-shaped mounting region to hold the radiopaque marker on the marker holder. Applicants again note, as discussed above, that the Frantzen patent fails to disclose such a structure. Accordingly, the particular structure defined by claims 8-15, 17, 18 and 21 is not disclosed in the Frantzen patent. The Duerig patent fails to disclose such a structure as well. Therefore, the combination of the Frantzen patent and the Duerig patent fails to achieve the structure recited in claims 8-15, 17, 18 and 21. Applicants again respectfully request the Examiner to withdraw the rejections of these claims based on the combination of the Frantzen patent and Duerig patent.

Claims 34-41 are method claims directed to the manufacture of implantable medical devices. The new claims are believed to be patentable over the art of record. Favorable allowance of these new claims is also respectfully requested. Claim 42 is directed to a structure which include a marker holder including a pair of projecting fingers extending away from the structural body to form an opening having a first shape. The radiopaque marker includes a mounting region having substantially the same shape as the first shape of the opening formed by the projecting fingers. The mounting region including side edges adapted to contact the projecting fingers to cause the fingers to move outwards to move the opening into a second, expanded shape. It is believed that this particular structure is not shown in the prior art of record.

In view of the foregoing, it is respectively urged that all of the present claims of the application are patentable and in a condition for allowance. The undersigned attorney can be reached at (310) 824-5555 to facilitate prosecution of this application, if necessary.

In light of the above amendments and remarks, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

The commissioner is authorized to charge any deficiencies in fees or credit any overpayments to our Deposit Account No. 06-2425.

Respectfully submitted,
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